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MAR 15 2019

U.S. District Court
Eastern District of MO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

Plaintiff(s), William Young

v.

MARCO'S PIZZA

Case No. _____
(to be assigned by Clerk of District Court)

JURY TRIAL DEMANDED

YES ☒ NO ☐

Defendant(s). (Enter above the full name(s)
of all defendants in this lawsuit. Please
attach additional sheets if necessary.)

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

☐ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

☒ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

____ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

☒ Other (Describe) Retaliation

PARTIES

2. Plaintiff's name: William Young

Plaintiff's address: 2149 Kappel

Street address or P.O. Box

ST. LOUIS, MO 63136

City/ County/ State/Zip Code

314-249-7132

Area code and telephone number

3. Defendant's name: MARCO'S PIZZA

Defendant's address: 5252 MONROE ST.

Street address or P.O. Box

TOLEDO OH 43623

City/County/State/ Zip Code

Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

3520 PATTERSON Rd. FLORISSANT MO 63021
(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

FEB. 15 2019

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

☐ Yes Date filed: _____
☒ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: 2/28/2019
☐ No

8. Have you received a Notice of Right-to-Sue Letter?

☒ Yes ☐ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

____ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

____ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):
- ☐ failure to hire me
 - ☒ termination of my employment
 - ☐ failure to promote me
 - ☒ failure to accommodate my disability
 - ☐ terms and conditions of my employment differ from those of similar employees
 - ☒ retaliation
 - ☐ harassment
 - ☐ other conduct (specify):

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

11. I believe that I was discriminated against because of my (check all that apply):

☒ race

☐ religion

☐ national origin

☐ color

☐ gender

☒ disability

☐ age (birth year is: _____)

☒ other: RETALIATION

Did you state the same reason(s) in your charge of discrimination?

☒ Yes

☐ No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

ON Feb 15, I WAS fired AFTER a white Employee lied ON ME about TAKING a delivery. I believed I WAS discriminated BECAUSE OF my RACE, disability AND RETALIATION from a complaint I addressed about this SAME white Employee WAS able to get the days another worker that had just got fired AND I had been there longer than the NEW white Employee. Feb 15, I came back from a delivery and a worker that had clock out WAS still there helping, Sam told me he was taking Bryan spot and he was clocking back in and was taking the order that was up there. Sam NEVER looked at the ticket, just the box. SO he ASSUMED I took

(Continue to page 6, if additional space is needed.)

the box he wanted but I took the order that came next. So he went complaining to Bryan saying I jumped him. When I got back, Bryan told me what he said and I said that's a lie, he told me what delivery he was taking and that's what he took. So Bryan went to the screen and we saw that he did take the order to Robinwood and that he was supposed to take the 1st order which was Indiacup but Indiacup was accidentally put where carryout go. So we figure out he just wasn't paying attention. So as I was leaving out the manager Jackie was coming in and I stopped her and told her that Sam had went to Bryan and lied on me. As I was explaining to her, Sam pulled up and I asked him why he lied on me. He got defensive and hollering saying I aint said shit. Who told you that, I said Bryan. So the manager said go do yo delivery, I'll talk to Bryan. I left, it was Bryan, Jackie and Sam (all white) there to discuss what happened, I wasn't consulted on it, the only black person involved. After I clocked out, she said she was firing me because ppl said they can't talk to me and also my medical condition, which you still haven't brought me paperwork. Told me, me and her get along and she has no problem with me. I've never had a argument with noone there, so it didn't add up. Never had she addressed me about nothing. I've been a good worker. Came in on my days off when needed me, never late. Just told me the same night I questioned her about not giving me those days that came available when she fired another black driver, that from now on I was her 11-3 driver every Friday, so that being said obviously nothing had happen for her to want to fire me. If we firing people because someone says that can't talk to a person, why the white guy Bryan hadn't been fired. Everyone says he can't be talked too, even she said he is extra. I believe she was mad I complained to her about having given this white employee the hours because he was white.

And that since I was black and he was white, she took in consideration his feelings about the situation with the altercation.

13. The acts set forth in paragraph 12 of this complaint:

☒ are still being committed by the defendant.

☐ are no longer being committed by the defendant.

☐ may still be being committed by the defendant.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments;

cite no cases or statutes. I would like for the court to grant me 50,000
for this violation.

14. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of Feb, 2019.

Signature of Plaintiff Willie Gyp